

Where a local law is in force, application must be made under it, and not under this section. *McCrea v. Billingslea*, 89 Md. 767.

For a case now apparently inapplicable to this section by reason of changes in the law, see *Keller v. State*, 11 Md. 531.

See art. 2B.

An. Code, 1924, sec. 86. 1912, sec. 73. 1904, sec. 73. 1888, sec. 68. 1858, ch. 414, sec. 5. 1914, ch. 334.

77. The said licenses shall be granted on the following terms: The applicant shall be recommended to the Clerk by two respectable freeholders of his immediate vicinity, and shall make oath, to be by the said Clerk administered, that he has *bona fide* and without intending to evade the requirements of this Article provided and expects to maintain six good beds with sufficient covering therefor, and three rooms more than sufficient for the private uses of said ordinary keeper, with stabling and provender for five horses at least, and if said applicant resides in the City of Baltimore, that he has provided and expects to maintain twelve good beds with covering as aforesaid and six rooms.

Any license so granted shall be by the original or any subsequent holder thereof assignable and transferable to any person who shall be recommended to the Clerk in the same manner as and who shall take the oath in the same manner as, is hereinbefore provided in the case of the original applicant therefor; such assignment or transfer shall be endorsed upon the license, and a record kept thereof, by the Clerk of the Court granting said license, who shall be entitled to receive a fee of fifty cents therefor; the same shall then take effect immediately, provided, however, that the license shall only be good for the premises for which it was originally issued.

Portion of this section with reference to applicant procuring recommendation, etc., is a valid regulation under police power. *Cahen v. Jarrett*, 42 Md. 577.

Cited but not construed in *State v. Cahen*, 35 Md. 237; *McCrea v. Billingslea*, 89 Md. 767.

An. Code, 1924, sec. 87. 1912, sec. 73A. 1914, ch. 335.

78. Any holder of an ordinary license issued under the provisions of Section 77 of this Article, in case the premises for which said license is granted shall be destroyed by fire, or in case for any other reason the business conducted in such premises shall cease during the term for which said license was granted and who shall surrender such license to the Clerk issuing the same, shall be entitled to have the amount paid for such license refunded *pro rata* for the unexpired portion of the term for which such license was granted, less Ten Dollars; provided that no refund shall be allowed or paid upon the surrender of such license, unless the same shall have at least one full calendar month yet to run. Upon the surrender of said license the Clerk of the Court issuing the same shall thereupon compute the amount of the refund then due on said license for the unexpired term thereof, less Ten Dollars, and shall execute duplicate vouchers therefor, showing the name of the person to whom the original license was issued, the number of said license, the date when issued, the amount paid therefor, and the date when surrendered for cancellation, together with the amount of refund due at such date as computed by him, and the name of the person entitled to receive the refund; and said Clerk shall deliver to the person entitled thereto one of said vouchers, and retain the other, and shall pay to the person entitled thereto, or his personal representatives or assigns the amount called for by such vouchers,